



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

14 NOV 2006

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

In re Application of:	:	
SPERI, Michelangelo	:	DECISION ON PETITION UNDER
U.S. Application No.: 10/523,704	:	37 CFR 1.47(b)
PCT No.: PCT/EP2003/008699	:	
International Filing Date: 05 August 2003	:	
Priority Date: 07 August 2002	:	
Attorney's Docket No.: 2005_0050A	:	
For: CONTROL DEVICE WITH	:	
INTERCHANGEABLE	:	
ELECTRONIC CARD FOR	:	
ROLLING ELEMENTS ...	:	

This decision is issued in response to the "Petition Under 37 CFR 1.47(b)" filed 27 September 2006. Applicant has submitted \$130 as the petition fee.

BACKGROUND

On 05 August 2003, applicant filed international application PCT/EP2003/008699. The application claimed a priority date of 07 August 2002, and it designated the United States. The international application as filed included a "Declaration of Inventorship" under PCT Rule 4.17(iv) executed by the sole inventor.

On 19 February 2004, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 07 February 2005.

On 07 February 2005, petitioner filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 24 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Acceptance (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) were satisfied as of 07 February 2005.

On 27 September 2006, petitioner filed the petition under 37 CFR 1.47(b) considered herein, seeking acceptance of the application without the signature of the sole inventor.

DISCUSSION

37 CFR 1.47(b) applies in cases "where all of the inventors refuse to execute an application for patent, or cannot be reached after diligent effort." In the present case, the international application was filed with a "Declaration of Inventorship" under PCT Rule 4.17(iv) that was executed by the sole inventor. This declaration executes the present application and satisfies the declaration requirement for the U.S. national stage (see 37 CFR 1.497(a)). Because an acceptable declaration executed by the sole inventor has already been filed herein, the petition under 37 CFR 1.47(b) seeking acceptance of the application without the signature of the sole inventor is moot. In addition, no surcharge for late filing of the declaration is required.

Applicant will be refunded the \$130 petition fee and \$65 surcharge payment included with the present petition.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED AS MOOT**.

Deposit Account No. 23-0975 will be credited with a refund of the \$130 petition fee and \$65 surcharge filed herein.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273- 0459